



COURT OF APPEALS
SECOND DISTRICT OF TEXAS

CHIEF JUSTICE
TERRIE LIVINGSTON

TIM CURRY CRIMINAL JUSTICE CENTER
401 W. BELKNAP, SUITE 9000
FORT WORTH, TEXAS 76196

CLERK
DEBRA SPISAK

JUSTICES
LEE ANN DAUPHINOT
ANNE GARDNER
SUE WALKER
BOB McCOY
BILL MEIER
LEE GABRIEL

TEL: (817) 884-1900

FAX: (817) 884-1932

www.2ndcoa.courts.state.tx.us

CHIEF STAFF ATTORNEY
LISA M. WEST

July 3, 2013

Avery McDaniel
Law Offices of Avery McDaniel, P.C.
1205 N. Main St.
Fort Worth, TX 76164

RE: Court of Appeals Number: 02-13-00232-CV
Trial Court Case Number: CV10-0506

Style: Alicia Ramirez
v.
Craig Deen

The court has received a copy of the notice of appeal in this case. See Tex. R. App. P. 25.1(e). The court is concerned it may not have jurisdiction over this appeal because the notice of appeal was not timely filed. Tex. R. App. P. 26.1. The trial court's judgment was signed April 5, 2013. The motion for new trial was due May 6, 2013, but was not filed until May 8, 2013. Therefore, it appears that the notice of appeal was not timely filed. Tex. R. App. P. 26.1.

The court requests you advise whether you properly addressed, stamped, and mailed the motion for new trial by United States Postal Service to the proper trial court clerk on or before the due date. Tex. R. Civ. P. 5; Tex. R. App. P. 9.2(b). Pursuant to rule 9.2(b)(2), the court will accept any of the following as evidence of proof of mailing:

A legible postmark affixed by the United States Postal Service;

A receipt for express, registered, or certified mail that is endorsed by the United States Postal Service;

A certificate of mailing by the United States Postal Service;

An affidavit of an individual with personal knowledge stating that the document was mailed by using the United States Postal Service; or

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An affidavit of the trial court clerk stating the mailing envelope showed the document was mailed using the United States Postal Service on or before the filing deadline, but the clerk did not keep the envelope.

The court appreciates your assistance in this matter. Your response must be filed on or before **Monday, July 15, 2013**. If the court determines the appeal was not timely perfected, the appeal will be dismissed for want of jurisdiction. Tex. R. App. P. 42.3(a), 43.2(f).

Respectfully yours,

DEBRA SPISAK, CLERK

A handwritten signature in black ink that reads "Debra Spisak". The signature is written in a cursive, flowing style.

By: Kent Moore, Deputy Clerk

cc: Hon. Trey E. Loftin
Judge, 43rd District Court
117 Fort Worth Hwy.
Weatherford, TX 76086

Court Reporter, 43rd District Court
117 Fort Worth Hwy.
Weatherford, TX 76086

District Clerk, Parker County
117 Fort Worth Highway
Weatherford, TX 76086

Sharon Alice Pouzar
Founders Square Suite 700
900 Jackson St
Dallas, TX 75202-4404